

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JODIE E. SHULTZ)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 15-cv-03125
STACEY L. LANDI; 25 W. HUBBARD,)	
INC., D/B/A, SOCIAL 25, j/s.)	Hon. Elaine E. Bucklo
Defendants.)	
)	

**DEFENDANTS', STACEY L. LANDI AND 25 W. HUBBARD, INC., D/B/A SOCIAL 25
MOTION FOR LEAVE TO FILE *INSTANTER* REPLY BRIEF TO MEMORANDUM
OF LAW IN OPPOSITION TO DEFENDANTS' *MOTION IN LIMINE* TO EXCLUDE
EXPERT TESTIMONY AND REPORT OF DOUGLAS H. SELL, JR.**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW Defendants, Stacey L. Landi ("Landi") and 25 W. Hubbard, Inc., d/b/a Social 25, ("Social 25"), by and through counsel, and hereby move for leave to file *instanter* Reply Brief to Memorandum of Law in Opposition to Defendants' *Motion in Limine* to Preclude the Testimony of Douglas Sell, Jr. (hereafter, "Sell") in this action. In support of this request, the defendants state the following:

- 1) Defendants, Landi and Social 25 filed their Motion to Exclude Expert Testimony and Report of Douglas H. Sell, Jr. (Document #90).
- 2) The basis of the defendants' motion is the failure of Sell, a forensic economist, to satisfy the strict requirements of *Daubert*, *Kumho* and Fed. R. Evid. 702. (Document #90).
- 3) Specifically, the defendants seek to exclude the testimony and report of Sell based upon the fact that: 1) Sell's methodology to calculate loss of earnings and benefits is not scientifically reliable; and 2) Sell is not qualified to render an opinion on loss of

- household services and employs no scientifically reliable methodology. (Document #90).
- 4) The plaintiff filed a Memorandum of Law in Opposition to the defendants' *Motion in Limine* to Preclude the Testimony of Sell. (Document #95).
 - 5) The basis of the plaintiff's Opposition is two-fold: 1) Defendants are wrong that Sell arbitrarily selected August 1, 2014 as his date of loss in relation to Shultz's wage loss claim (the actual date of the incident was April 13, 2013); and 2) the yardstick approach is routinely used to evaluate various economic losses and defendants' preclusion argument on the basis of Sell's choice of methodology is a game of mere semantics.
 - 6) The plaintiff substantially relies on extra-jurisdictional case law in support of her arguments in Opposition to defendants' *Motion in Limine* to Preclude the Testimony of Sell.
 - 7) The defendants seek leave of court to file a Reply Brief for the purpose of addressing the extra-jurisdictional and inapposite case law relied upon by the plaintiff in her Memorandum of Law.
 - 8) A brief and concise analysis of the case law relied upon by the plaintiff in support of her Opposition to defendants' *Motion in Limine* to Preclude the Testimony of Sell is necessary and appropriate.

WHEREFORE, defendants, Stacey L. Landi and 25 W. Hubbard, Inc., d/b/a Social 25, (collectively, "Defendants") respectfully request leave to file *instanter* Reply Brief to Memorandum of Law in Opposition to Defendants' *Motion in Limine* to Preclude the Testimony of Douglas Sell, Jr.

Respectfully submitted,

DEFENDANT,
STACEY L. LANDI,

By: /s/ David A. White
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DEFENDANT,
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SOCIAL 25,

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Dated: 5/15/19

LOCAL RULE 37.2 CERTIFICATION

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I hereby certify that after consultation by means of email correspondence with plaintiff's counsel on May 14, 2019, and a good faith effort to resolve differences, counsel for defendants Stacey L. Landi and 25 W. Hubbard, Inc., d/b/a, Social 25, is unable to reach an accord on the within motion pursuant to LR 37.2 of the United States District Court for the Northern District of Illinois.

By: /s/ David A. White
David A. White

CERTIFICATION OF SERVICE

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I hereby certify that on May 15, 2019, a true and accurate copy of the above document(s) was served upon each party and attorney of record herein by means of the CM/ECF electronic system pursuant to the rules of the United States District Court for the Northern District of Illinois.

By: /s/ David A. White
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